

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

WES JOSEPH PERTGEN)	CASE NO. 3:04-CV-00352-LRH-RAM
Petitioner,)	<u>ORDER</u>
vs.)	
E. K. MCDANIEL, et al.,)	
Respondents)	

This matter is before the Court on petitioner's motions to relieve counsel (docket ##24, 26, and 32). Respondents have opposed the motion (docket #25), noting that the motion is a rogue document because petitioner is represented by counsel and that an amended petition has been filed, which petitioner signed. A response to the amended petition is due December 1, 2005.

Petitioner's motions shall be denied. There is no right to the assistance of counsel on post-conviction or habeas corpus review. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). Thus, there is no right to the effective assistance of counsel for those proceedings. *Evitts v. Lucey*, 469 U.S. 387 (1985); *Knaubert v. Goldsmith*, 971 F.2d 722, 729 (9th Cir. 1986). Moreover, petitioner sought the appointment of counsel (docket #7) and once counsel appeared and drafted the amended petition, petitioner approved that document by signing the verification (docket #21, p. 48). Thus, he has previously adopted the claims and arguments presented to this Court.

///

///

///

1 **IT IS THEREFORE ORDERED** that petitioner's Motion for New Counsel or to Compel
2 Counsel to Amend Petition or to Dismiss Counsel and Litigate Pro Se (docket ## 24 and 26) and
3 Petitioner's Pro Se Motion to Dismiss Appointed Counsel (docket #32) are **DENIED**.

4 Dated this 12th day of December, 2005.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE